

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF WAKE

2009 APR 17 AM 11:32

SUPERIOR COURT DIVISION

08 CVS 7955

HOPE-A WOMEN'S CANCER CENTER,)
P.A., and RALEIGH ORTHOPAEDIC)
CLINIC, P.A.,)

WAKE COUNTY, N.C.S.C.

BY _____)

Plaintiffs,)

vs.)

STATE OF NORTH CAROLINA, *et al.*)

Defendants.)

NOTICE OF APPEAL

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Plaintiffs Hope-A Women's Cancer Center, P.A. and Raleigh Orthopaedic Clinic, P.A. (collectively, the "Plaintiffs") hereby give notice of appeal to the Court of Appeals of North Carolina from the Memorandum of Decision and Order Re: Motions for Judgment on the Pleadings Pursuant to Rule 12(c), North Carolina Rules of Civil Procedure executed by the Honorable Howard E. Manning, Jr., Superior Court Judge, on 26 March 2009 and filed on 26 March 2009 in the Superior Court of Wake County, granting Defendants' motion for judgment on the pleadings, denying Plaintiffs' motion for judgment on the pleadings, and dismissing this action.

This the 17th day of April, 2009.

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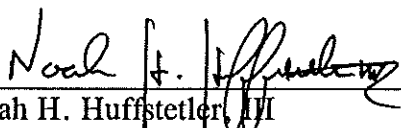
ATTORNEYS FOR HOPE- A WOMEN'S
CANCER CENTER, P.A. AND RALEIGH
ORTHOPAEDIC CLINIC, P.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Plaintiffs' Notice of Appeal was served on the persons indicated below by United States Mail, first class, postage prepaid, addressed as follows:

Mark A. Davis
Special Deputy Attorney General
Angel Gray
Assistant Attorney General
N.C. DEPARTMENT OF JUSTICE
114 W. Edenton Street
Post Office Box 629
Raleigh, North Carolina 27602

This the 17th day of April, 2009.



Noah H. Huffstetler, III